

## **REMARKS**

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1-46 are currently pending in the application. Claims 1-46 stand rejected.

### **Rejections under 35 U.S.C. §103**

Claims 1-9, 13-29, 32-39, 42-46 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,046,762 to Sonesh et al. in view of U.S. Pat. No. 6,857,072 to Schuster et al. Applicant respectfully traverses this rejection.

It is noted first that independent claims 1, has been further limited to “a communication channel that connects the customer and agent under a first communication process; a customer data processor that operates independently of the first communication process configured to handle two-way communication between the customer and agent of the ACD under a second communication process that is different than the first communication process”. Claims 22, 23, 24 and 35 have been similarly limited. Support for the first and second protocols may be found in the statement that “voice communication occurs over the PSTN dedicated circuit and data is sent simultaneously” (Specification, page 10, lines 12-13). In this example, voice is sent under a first voice communication process and data is sent using a second process using DTMF. For example, “the customer computer, causes the customer data 12 to be automatically and transparently sent to the ACD 16” (specification, page 7, lines 29-30). Since voice is different than DTMF, the communication processes are also different. In addition, the first communication process may involve VOIP. In all cases, the second communication process

involves encryption and is, therefore, different than the first communication process.

In addition, “the customer issues a predetermined signal to facilitate automatic transmission of the customer data 12 to the ACD 16 at some point during the transaction with the agent” (specification, page 7, lines 23-24). As such, the process of transmitting customer data to the ACD occurs independently of the process of exchanging voice information between the customer and agent.

In contrast, Sonesh involves a single integrated process. The information retrieved by Sonesh et al. is part of a single channel set-up routine. In the passage relied upon by the Examiner (Sonesh et al., col. 7, lines 12-21), the routine occurs at the beginning of channel set-up to allow the user to “select a service and/or an area of interest” (Sonesh et al., col. 7, lines 21-23).

In general, the claimed invention solves a different problem than Sonesh et al. and Schuster et al. Sonesh et al. is directed to setting-up a communication channel. Schuster et al. is directed to encrypting a communication channel. Neither reference addresses the problem of conveying personal information from a customer to an agent of an ACD. As such, there is no teaching or suggestion of the claim elements and no reason to combine the references in the manner suggested by the Examiner.

Moreover, Sonesh et al. and Schuster et al. are directed to integrated processes while the claimed invention is directed to two independent processes. Under the first process, a customer may converse with an agent. If the customer and agent do not agree, then there is no reason to execute the second process of transferring the personal information of the customer to the agent. In addition, if the customer were merely seeking general information, there would be no reason to

transfer the information to the agent and could involve a violation of privacy for the ACD to seek such information.

Since the claimed invention is limited to independent processes, the combination of Sonesh et al. and Schuster et al. or the combination of Sonesh et al., Schuster et al. and Creswell et al. do not teach each and every claim limitation. Since the combinations do not teach each and every claim limitation, the rejections are now improper and should be withdrawn.

#### Objections to the Drawings

The drawings have been objected to. Enclosed herewith is a replacement set of drawings.

#### Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

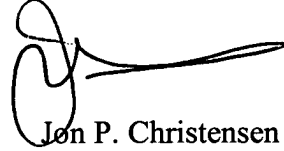
The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit

Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By

A handwritten signature in black ink, appearing to read 'Jon P. Christensen', with a long horizontal flourish extending to the right.

Jon P. Christensen

Registration No. 34,137

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WELSH & KATZ, LTD.  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606  
(312) 655-1500